

08/751 024

Atty Docket No.: 31-CD-5525

REMARKS

At the outset, the Applicant gratefully acknowledges the indication that claims 5, 6, 13-15, 23 and 24 would be allowable if suitably amended in independent form to include all of the limitations of the base claim and any intervening claims. However, in view of the traversals (set forth below) of all grounds for rejection, the Applicant declines the invitation to amend those claims at this time.

The Title has been amended to correct a typographical error. Claims 1, 4, 5, 7, 9, 13, 18, 22, 23, 25, 27 and 28 have been amended to remove the modifier "left" from the phrase "left bundle branch block" upon every occurrence. In response to the objection against claim 3, claim 3 has been amended to depend from claim 2.

In the Office Action, claims 1, 2, 4, 7, 9, 10-12, 16-22, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,090 to Taha et al. The Applicant traverses this ground of rejection for the following reasons.

The Taha '090 patent is based on a patent application filed on October 11, 2001, which is more than 10 months later than the filing date, i.e., December 29, 2000, of the instant application. Therefore the Taha '090 patent does not qualify as prior art vis-à-vis the instant application. Accordingly the rejection based on Taha alone, as well as the

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other rejections based in part on Taha, should all be withdrawn.

In view of the foregoing, the Applicant submits that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-29 are hereby requested.

Respectfully submitted,

May 16, 2005

Date

  
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

May 16, 2005

  
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